

JAN 12 1951

In reply refer to
OIR/GE

Dear Captain Hobbs:

In response to a telephone call from Lieutenant Commander Newhall on January 9th, I am providing below what will be sufficient, I believe, to enable you to lay down on any hydrographic chart the line of the "U.S.-Russia Convention of 1867" in Bering Sea and Bering Strait.

The line in question is defined in the Convention concluded March 30, 1867 (Art. 1) as follows:

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet or group, in the North Pacific ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian.

In laying the line down on a chart you will therefore find the following turning points:

1. A point in

Captain Allan Hobbs (Ret.),
Hydrographer,
Hydrographic Office,
Navy Department.

-2-

1. A point in $65^{\circ} 30'$ North Latitude; $168^{\circ} 58' 22''$.587 West Longitude. The latter is the meridian midway between the easternmost point of Big Diomed Island and the westernmost point of Little Diomed Island. You may wish to verify this with the Coast and Geodetic Survey. It is based on their triangulation May-August 1944 and is on the "North American Datum 1927".

2. A point on the meridian 172° West Longitude at the terminus of a great circle starting at the first turning point named above and passing through a point midway between the northwest point of St. Lawrence Island and the southeast point of Cape Chukotski;

3. A point on the meridian 167° East Longitude [193° West] at the intersection of a great circle beginning at the last named turning point and passing midway between Attu Island in the Aleutians and Copper [Medny] Island in the Komandorskie Islands. This latter point is the terminus of the Convention line.

As we have always understood this Convention line, it is in no sense an international boundary between the waters of Alaska and the waters of Russia, but only a cartographic convenience to indicate the western limit of the territory to which the Emperor of Russia ceded all the territory, or all claim to territory (including islands) in the Americas. In this connection it may be helpful to quote a footnote in an article I have just completed entitled, "Delimitation of Seaward Areas Under National Jurisdiction" (to appear in the April 1951 issue of the AMERICAN JOURNAL OF INTERNATIONAL LAW):

Most lines in water areas which are defined in treaties are not boundaries between waters under the jurisdiction of the contracting parties, but a cartographic device to simplify description of the land areas involved. For example, in the Alaska cession treaty of 1867, the line in Bering Sea and Bering Strait (Art. I) is simply a line to the east of which all land or claim to land was ceded by Russia to the United States. The purpose of such a line as a "line of allocation" of land is explicitly stated in the convention between Great Britain and the United States, January 2, 1930, defining a line between North Borneo and the Philippines. (Dept. of State, Treaty Series No. 856; Art. I defines "line separating the islands . . .")

I may add that it has been our understanding here that the line described above was simply the western limit of the Russian cession,

but

-3-

but would not have prevented the United States from acquiring territory, by discovery and occupation, in the Arctic Sea to the west of the meridian in Bering Strait.

Commander Newhall told me that the wording you plan to place adjacent to this line will avoid the word "boundary"--which is very desirable, in my opinion. There was, of course, no "U.S.S.R." in 1867, and I would suppose "U.S.-Russia Convention of 1867" would serve the purpose very well.

Sincerely yours,



25X1

Copy to:

Rear Admiral K. T. Adams,
Assistant Director,
Coast & Geodetic Survey,
Rm. 2132, Dept. of Commerce.